

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

11 JOHN WASKO, et al.,	Case No. CV 15-7106 ODW (SS)
12 PLAINTIFFS,	<b>ORDER SUMMARILY REMANDING</b>
13 v.	<b>IMPROPERLY-REMOVED ACTION</b>
14 PATRICK OKEKE, et al.,	
15 DEFENDANTS.	

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17       The Court will remand this unlawful detainer action to state  
18 court summarily because Defendants removed it improperly.

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20       On September 9, 2015, Defendants Patrick Okeke and Lina  
21 Ogbu, having been sued in what appears to be a routine unlawful  
22 detainer action in California state court, lodged a Notice Of  
23 Removal of that action to this Court and also presented  
24 applications to proceed in forma pauperis. The Court has denied  
25 the latter applications under separate cover because the action  
26 was not properly removed. To prevent the action from remaining  
27 in jurisdictional limbo, the Court issues this Order to remand  
28 the action to state court.

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Simply stated, this action could not have been originally filed in federal court because the complaint does not competently allege facts supporting either diversity or federal-question jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a), see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S. 546, 563 (2005). Defendant's notice of removal only asserts that removal is proper based upon federal question jurisdiction. (Notice at 2). However, the underlying unlawful detainer action does not raise any federal legal question.

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12           Accordingly, IT IS ORDERED that (1) this matter be REMANDED  
13 to the Superior Court of California, County Of Los Angeles, 275  
14 Magnolia Avenue, Long Beach, CA 90802, for lack of subject matter  
15 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk  
16 send a certified copy of this Order to the state court; and  
17 (3) that the Clerk serve copies of this Order on the parties.

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IT IS SO ORDERED.

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21 | DATED: September 21, 2015

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*Ois R Wright*

OTIS D. WRIGHT, II  
UNITED STATES DISTRICT JUDGE